

as well as the public interests by restitution to those affected by violations of section 105(c) of the Act, the Secretary believes that such purposes are fulfilled in this case by the settlement terms.

6. It is the parties' belief that approval of this settlement is in the public interest and will further the intent and purpose of the Federal Mine Safety and Health Act of 1977.


7. Each party agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

Conclusion

After careful review and consideration of the settlement terms and conditions executed by the parties in this proceeding, including Mr. Ball, I conclude and find that it reflects a reasonable resolution of the complaint filed by MSHA on Mr. Ball's behalf. Since it seems clear to me that all parties are in accord with the agreed upon disposition of the complaint, I see no reason why it should not be approved.

ORDER

The proposed settlement IS APPROVED. Respondent IS ORDERED AND DIRECTED to fully comply forthwith with the terms of the agreement. Upon full and complete compliance with the terms of the agreement, this matter is dismissed. The scheduled hearing is cancelled.


George A. Koutras
Administrative Law Judge

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